LITE DePALMA GREENBERG & RIVAS, LLC

ATTORNEYS AT LAW

(973) 623-3000
TELEPHONE

TWO GATEWAY CENTER

12TH FLOOR

NEWARK, NEW JERSEY 07102-5003

(973) 623-0858
FACSIMILE

August 30, 2006

VIA FACSIMILE & ECF
Honorable Claire C. Cecchi, U.S.M.J.
Martin Luther King Federal Building
        and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

> **Re: Altana Pharma AG, et al. v. Teva Pharmaceuticals USA, Inc., et al.**
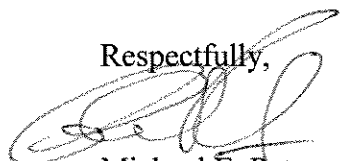> **Civil Action No. 04-2355 (JLL/CCC)**

Dear Judge Cecchi:

This firm, together with Merchant & Gould, P.C., represents defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. ("Teva") the referenced matter. We write to request entry of a temporary sealing order pursuant to Local Civil Rule 5.3(c)(6).

On August 28, 2006, we filed Teva's opposition to plaintiffs' motion to consolidate the matter of *Altana Pharma AG v. Kudco Ireland, Ltd.*, Civil Action No. 06-3672 (JLL) with this action. In that filing, Teva inadvertently filed on the public docket Exhibit 5 to the Declaration of Jeffer Ali dated August 28, 2006. That exhibit, which is Teva's Patent Certification Notice to plaintiffs regarding the patents-in-suits, contains trade secret and other confidential material of Teva, including detailed discussions of Teva's scientific analyses regarding the patents-in suit. The document is marked as confidential and contains language directing the plaintiffs (who, aside from a limited number of Teva personnel, are the only recipients of the document) to protect the confidentiality of the document.

Teva intends to immediately file a motion to seal Exhibit 5 to the Ali Declaration. However, such a motion will not be returnable until September 25, 2006, by which time public disclosure of the document may cause Teva significant competitive harm. Accordingly, Teva respectfully requests that Your Honor enter the enclosed temporary order to seal, as permitted by L.Civ.R. 5.3(c)(6).

Thank you for your consideration of this matter.

Respectfully,

Michael E. Patunas

MEP:emp
Enclosures
cc: All Counsel (via ECF & e-mail)